

RECORD OF PROCEEDINGS

Minutes of the Riverside City Council Meeting

Held on Thursday, February 2, 2023

Riverside, OH

CALL TO ORDER: Mayor Williams called the Riverside, Ohio City Council Meeting to order at 6:00 p.m. at the Riverside Administrative Offices located at 5200 Springfield Street, Suite 100, Riverside, Ohio, 45431.

ROLL CALL: Council attendance was as follows: Mr. Denning, present; Mrs. Franklin, absent; Ms. Fry, present; Mr. Joseph, present; Ms. Lommatzsch, present; Mr. Maxfield, present; and Mayor Williams, present.

Staff present was as follows: Josh Rauch, City Manager; Chris Lohr, Assistant City Manager, Tom Garrett, Finance Director; Nia Holt, Zoning Administrator; Dalma Grandjean, Law Director; and Katie Lewallen, Clerk of Council.

EXCUSE ABSENT MEMBERS: Deputy Mayor Lommatzsch moved, seconded by Mr. Maxfield, to excuse Mrs. Franklin from the meeting. All were in favor. **Motion carried.**

ADDITIONS OR CORRECTIONS TO AGENDA: No changes were made to the agenda.

APPROVAL OF AGENDA: Mr. Joseph moved, seconded by Mr. Maxfield, to approve the agenda. All were in favor. **Motion carried.**

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE: Mayor Williams led the pledge of allegiance.

PRESENTATIONS: Mrs. Julie Denning, CFO of the Riverside Jaycees, and Ms. Bethany Schaffer, President for 2023, came forward to make a \$750 contribution to the City of Riverside Fire Department. Mrs. Denning stated it is their 44th year in serving the community and having a strong relationship with the police and fire departments in Riverside. She stated that there is a national emphasis on educating children, families, and senior citizens about fire safety. There have been a few fires recently in the community, and she stated that maybe if one extra smoke detector, or additional education may could have saved a few more. They have even donated oxygen masks for pets. This is another opportunity to partner with the fire department. Chief Stitzel accepted the donation for the fire department.

Mr. Greg Thurman, VP of Acquisition for Redwood Development, stated that he would like to introduce Redwood for those who aren't familiar with them and that they are currently in eight communities throughout the Dayton region. He stated they are an Ohio based company and have been in the area for the past 10 years in business for the past 30 years. They own and operate 15,000 units. They have developments in 10 states. He stated they build single-story, two-bedroom, two-bathroom, two car garage attached townhomes built to luxury standards with granite and stainless steel appliances. They have roughly 1,500 residents in the Dayton market. He reviewed the types of residents they attract based on entry and exit interviews. The site is

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approximately 18 acres and is presently an urban farm. If zoning is approved, then a preliminary development plan for a PUD will be submitted within the next few weeks. He provided a preview of the plan with the road layout. He presented the architecture of the development and explained they embellish the retention pond. He described the interior of the architecture.

MINUTES: Mr. Denning moved, seconded by Mr. Maxfield, to approve the minutes of the January 12, 2023, council work session, and the January 19, 2023, council business meeting. All were in favor. **Motion carried.**

WRITTEN CITIZEN PETITIONS: Mayor Williams stated some citizens have already turned in slips to speak. He added that anyone wishing to speak should fill out a petition form with their name and address and turn it in to the clerk. He asked that the box stating if it is an agenda or non-agenda item be checked as there are two different times when comments are heard.

DEPARTMENT UPDATES:

A) Finance Department – Mr. Tom Garrett stated it is busy finishing out one year of reporting and getting out W-2 forms to employees. They are also setting up for the new year and transitioning to the new finance software. The new software was used last week on payroll with a few discrepancies that they needed to adjust. They are running their first bill payment on the new software and that is in process. They had a week of pause while the transition happened, so everything is not in the January books, yet, but will be soon. Mr. Rauch gave credit to Tom and Crystal and the rest of staff for undertaking this financial software transition as it is not easy. They are further ahead than he expected them to be.

Mr. Joseph stated it is a testament to the staff having started in October and it is now February. He has had multi-year projects that have gone over budget, so the fact that they have mitigated risk and stayed on track speaks to the dedication and effort of the finance department and city staff. He is proud of the work they have done.

B) Administration Department – Mr. Chris Lohr stated they are making progress on the classification and compensation study. Staff are completing forms to communicate what it is they do in their position so the consultant can understand them and find comparable positions and wage ranges in similar jurisdictions. He stated they will be discussing electric and natural gas aggregation next week, and if council has any questions to please forward them to him.

C) Community Development Department – Ms. Nia Holt stated they have been working on a few text amendments and the Land Use Plan. They have already received a first draft on the Land Use Plan and have given comments back to the consultant, MKSK. They will have something to share with the planning commission soon. They have

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been working on the property maintenance code and will have a final draft to review. She thanked Lori Minnich on her work with putting to city in line to receive some of the demolition and revitalization fund money awarded to Montgomery County. Mr. Rauch added that Ms. Minnich came to him right after he started working for the city stating they need to get in on these funds for some of the bigger nuisance buildings they have in town. He stated she took the lead on this and thanked her and the partners at the Land Bank. He added that the state process is lengthy, and they were hoping to have it wrapped up last year. They can now move forward on some of the blighted properties. Mayor Williams added that sometimes it does take patience on their part to get access to the funds.

D) City Manager Report – Mr. Rauch stated that in 2022 when Congress passed the Bipartisan Infrastructure Law, one of the programs included in that was Safe Streets For All program. Working with partners at the Transportation District and with engineering consultants at Woolpert, they identified the curves along Harshman wall and some of the phases on Woodman would be a prime candidate to go after some of those funds. They submitted the whole corridor from Springfield Street to 35. They received an award of \$700,000 to complete a safety study for the entire corridor. He stated it will be transformative for the community. They will receive a 30% design plan that includes the safety elements along the road, potentially realigning the curves, bicycle and pedestrian transit, and other things the community has expressed through the Land Use Plan. Then they will go for funding to help make those improvements. He thanked all of the partners that helped them adding there was a lot of regional backing for this. It is the highest award for planning in the State, the second highest award overall. It will position the city well as the Land Use Plan calls for the area to be a city-center area, and this is the plan that will allow them to start to build out that infrastructure to support that.

PUBLIC COMMENT ON AGENDA ITEMS: Mayor Williams stated that a number of forms have been turned in. He asked when a person is called up to state their name, address, and to keep comments to three minutes.

Mr. Robert Allen, 7544 Union Schoolhouse Road, Riverside, Ohio, stated that the highest and best use of the property is for residential development. It is an infill site, a donut hole. Riverside seems to agree as it is zoned R-3 medium residential, currently. He stated a lot of people may not understand that R-3 medium density allows multi-family, in particular, doubles, and units with a minimum square footage of 600 sq. ft. each. This means under the current zoning that it is possible to have a subdivision of doubles with very small units, which would be less attractive than the Redwood development. The Redwood plan has units with a minimum of 1,300 sq. ft. with attached garages would generate more income for the city more so than a series of doubles that are 600 sq. ft. The development of this property is not a question of “if”. It will be developed either as the proposal before them, or something that could be much worse. He respectfully requested the zoning to be approved.

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Mr. John Calligan, 4126 Loyala Chase Lane, Dayton, Ohio, stated he reviewed the proposed PUD and several things in it bother him. He stated the proposed PUD circumvents several City of Riverside ordinances. The current R-3 district does not allow multi-family residences as a permitted nor as a conditional use. He stated that was contrary to what was just said. What he means by multi-family is more than two units. This district does allow single family and two family residences. The surrounding neighborhoods are either R-3 or R-2; there are no multi-family units in the area. He added the PUD circumvents the minimum requirements to the R-3 district including lot size, yard setback, and maximum lot coverage. Maximum lot coverage is currently 50 percent, and there are no limitations in the PUD. He stated it also circumvents a couple of subdivision requirements including right-of-way with private streets; there is nothing mentioned about the width of those streets. The fire department would need to know how wide they were to maneuver equipment. He stated the PUD does not mention sidewalks; and that is a requirement. The only mention of a sidewalk was along Union Schoolhouse Road, and it was only mentioned as "may be put in". For these reasons, he is asking council to vote against this PUD.

Mrs. Kelly Bush, 7240 Union Schoolhouse Road, Dayton, Ohio, stated the picture shown earlier showed them as adjoined directly to the Allen's property; they are not across the street, their farms connect. She stated that a PUD and an R-3 is really not much different. She contacted the state and received information indicating there is not a lot of difference. She is concerned about the development coming in and disrupting the land next to her. There is the possibility of disturbing her water or polluting it. She stated she needs to know from Redwood what they are going to do to prevent her water from being shut off, being contaminated, or disappearing altogether. They are on a well and have no option to connect to the city; they have tried. They are on electric heat and their own water from their own natural spring. She wants to know what will prevent that from happening to keep her water natural. She stated there are only 40 homes on Union Schoolhouse Road. From her property north, there are 12 properties that have two acres or more. She stated there are no apartments on Union Schoolhouse Road; it will not fit in and not look right. People move out there for the privacy, the openness, and the enjoyment of the animals. It is a little piece of heaven, not being in the city. She stated with apartments they won't know who is coming and going; they won't invest money in them. They won't devote money to plant flowers or trees. They will make sure the parking is clean, and then, in four years they will transfer out and be gone. She asked why it had to be townhomes and not houses. She stated there is no need for townhomes on that end of Union Schoolhouse Road.

Mr. William Bowers, 4201 Elmshaven Drive, Dayton, Ohio, stated that lot is the corner of Union Schoolhouse Road and Elmshaven Drive. He asked how many of them lived within 300 yards of the property. He asked how many of them have come up to the property to take a look. He thanked them for doing that. He stated based on the housing in the area, this development does not make sense for the area. He stated it is too congested;

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the PUD does not fit there. They are single family homes. He does not want to look out his window and see it across the street. He asked them to vote it down.

Mr. Greg Bush, 7240 Union Schoolhouse Road, Dayton, Ohio, stated he did not wish to speak at this time.

Mr. Youssef Elzein, 4906 Amberwood Drive, Dayton, Ohio, stated he is not connected to the red barn and is not there to save it. He lived next to it for 22 years. He isn't there to convince the owner to demolish it or not. He stated he wished to express his frustration with the process that he experienced helping a friend of his. It was a business property on Valley Street with less than a tenth of an acre in Riverside where he appeared three times in front of the planning commission and got conditional approval only because the planning board was concerned about storm water going into the neighboring lots. He added that the code doesn't require actually doing that. He stated on the 18-acre lot it is being unconditionally approved without proper due diligence. It was unconditionally approved by the planning commission. Mayor Williams stated that there is no site plan that has yet been approved. Mr. Elzein stated if he reads the recommendations, it is all based on preliminary planning that they provided. Mayor Williams stated he was correct, but he wanted to make clear that no site plan has been submitted, and no site plan has been reviewed by staff or voted on by council. Mr. Elzein replied he was not there to judge the engineering part of it. Mayor Williams stated he wanted to make sure that it does not become part of the record that whatever Redwood might be working on now is automatically what the staff or city will ultimately approve at that site if they vote to rezone. Mr. Elzein stated he understood. He added that the recommendations from city staff was based on this preliminary plan. He stated the inconsistency he witnessed two weeks ago was the fact that the citizens were not allowed to speak about their concerns except if it is related to the rezoning request. He stated that if they listen to the citizens their concerns are valid. He stated that Mr. Calligan even spoke to them about the flooding at Wynwood. He stated that Riverside may not have the proper drainage in that area to take that 18-acre, which will be mostly hard surfaces. He told them to be concerned about the Dayton residents as much as they are concerned about the Riverside residents. He asked that they do their due diligence before they blindly approve 90-homes, and to listen to residents.

Mayor Williams stated there is public comment at every council business meeting, which are held twice a month. He added that none of the council guided anybody or anything in the last 20 minutes. This is the forum where concerns can be voiced. The planning commission was there to consider zoning, not some of the other things brought up as it is not in their purview.

Mr. John Ziegler, 4238 Blue Rock Road, Riverside, Ohio, stated he has lived in Riverside almost 30 years and is a taxpayer. He is proud of what they did in Riverside and getting taxes in order to where they have \$500,000 in the black. He thinks it will be more in the

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future. He thinks they are not a community looking to add a bunch of bedrooms to raise taxes or more tax money. It is more important to keep Riverside beautiful. It is one of the most beautiful farms in Ohio right here. People need beautiful things to see to help their mental state of mind. He was concerned about the underground springs and the waterways on the property. They can't change the waterways without going through the county. He stated how he wrote the book the First Settlers of Mad River Township. He read every deed in the township and surrounding townships. He wrote books for townships around them. He believes he is the only one who has done this, but from what he has seen the county has a record for that farmhouse of 1830. The deed he has seen for that original property is the best one he has ever seen. He wants to keep Riverside beautiful; they have a lot of history. They should add to that and to adding plaques for the underground railroad.

NEW BUSINESS

A. ORDINANCES

- I) **Ordinance No. 23-O-818 – An ordinance by the City Council of the City of Riverside, Ohio approving a change in the district boundaries as shown on the zoning map of the City of Riverside, Ohio for the property located at 7544 Union Schoolhouse Road, Parcel ID No. I39300201 0053, from R-3 Medium Density Residential District to PUD, Planned Unit Development District. (1st reading)**

Mr. Denning moved, seconded by Mr. Joseph, to approve the first reading of Ordinance No. 23-O-818. The clerk read the ordinance by title only.

Mayor Williams pointed out that for an ordinance that the city considers and possibly passes has to have two readings. Tonight, there is not a public hearing component; that will happen at the second reading should council vote to approve. An affirmative vote tonight, simply means there will be a second reading with a public hearing in approximately two weeks.

Mr. Joseph stated if it passes tonight and at the February 16, 2023, meeting, bulldozers and construction is not automatically moving onto the property as it still has to go to the planning commission for a site plan review. During that site plan review, that meeting will be open to the public. Mr. Rauch stated that was correct. Mr. Joseph asked if during that is when issues of sidewalks and stormwater and fire department concerns are addressed. Ms. Holt replied they have already given some comments to the applicant already and continue to have conversations with them. Mr. Joseph stated the process of what would happen after the February 16, 2023, meeting should it pass. Mr. Joseph asked if under an R-3 zoning, could there be a development that wouldn't come in front of council that would have duplex. Ms. Holt replied that was correct. Mr. Joseph

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then stated that someone could come to the planning commission right now with a plan. Mayor Williams stated that wouldn't go to planning, it would come straight to the city. They would submit for a zoning application and provided it met the codified ordinances outline for an R-3... Ms. Holt interjected stating if they subdivided into more than five lots it would go to planning commission as that would trigger a major subdivision review. Mayor Williams stated but it would not be to review the type of houses because that is already granted. The property is already allowed to have these houses on them. Ms. Holt stated that was correct. Mr. Joseph stated so they are talking about an R-3, which could already have multi-family units, to a PUD, which would benefit the developer. He asked if the city would stand to gain moving to a PUD with this particular. Mr. Rauch stated when he started one of the issues that was important to council was to have a PUD mechanism available to developers because it creates flexibility to use parcels that have difficult geometries and site constraints. It is to bring the highest and best use possible the market will bear and benefit the city. There are mutual benefits for the development community and the city, in terms of encouraging development, and redevelopment across the city. Ms. Holt added that their PUD is not an overlay; it completely changes the zoning, so it doesn't have to meet the R-3 district. It could be a commercial PUD or a mixed use PUD. It is something where the city and developers work together on.

Mayor Williams stated that a PUD does not absolve a builder or the city from very well established state law for water, emergency access, and things like that. Things don't get washed away because the city came up with a fancy acronym. These items still need to be done correctly, which is why staff are involved with that level of detail before it is presented to council. Ms. Holt stated the county is also involved with sites over an acre; they are out there inspecting disturbed earth making sure sediment isn't getting into storm water.

Roll call: Mr. Denning, yes; Mr. Joseph, yes; Ms. Fry, yes; Ms. Lommatzsch, yes; Mr. Maxfield, yes; and Mayor Williams, yes. **Motion passed.**

II) Ordinance No. 23-O-819 – An ordinance to approve employee position titles, number of positions and pay ranges and to repeal Ordinance No. 22-O-807 passed October 6, 2022, and declaring an emergency. (1st reading)

Mr. Denning moved, seconded by Mr. Maxfield, to approve the first reading of Ordinance No. 23-O-819. The clerk read the ordinance by title only.

Roll call: Mr. Denning, yes; Mr. Maxfield, yes; Ms. Fry, yes; Mr. Joseph, yes; Ms. Lommatzsch, yes; and Mayor Williams, yes. **Motion passed.**

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B. RESOLUTIONS

- I) Resolution No. 23-R-2823 - A resolution by the Riverside City Council authorizing a two percent increase in the City Manager's annual salary effective January 1, 2023.

Mr. Joseph moved, seconded by Mr. Maxfield, to approve Resolution No. 23-R-2823.

All were in favor. **Motion carried.**

Deputy Mayor Lommatzsch moved, seconded by Mr. Denning, to table Resolution No. 23-R-2824 until after executive session.

All were in favor. **Motion carried.**

PUBLIC COMMENT ON NON-AGENDA ITEMS: No one came forward to speak.

COUNCIL MEMBER COMMENTS: Ms. Fry stated she attended the First Suburbs meeting last night with a presentation from RTA. They are going to build a corridor that connects the east rather than funneling everything downtown, they will have a route on the east side that connects the north and the south. They also shared innovations regarding fares where families don't pay more than \$55. She stated that it is important while doing their land use plan they need to think how residents can have access to all of those routes. She stated the next blood drive is on February 27, 2023, from 3 – 7 pm.

Deputy Mayor Lommatzsch stated she attended the Miami Valley Regional Planning Commission meeting this morning. There are multiple issues and concerns about the quality of water in the area. The City of Dayton is asking for a lot of money for lab updates and ways to mediate the problem with water related to the base. It is not at a dangerous level, but it could get there. Many people don't understand the water field out here is not in Riverside, but they need to care. They need to support the City of Dayton's efforts to not have the water get any worse than it is. That will be in the newspaper. A lot will not be local funds, but it has to go through a mechanism, so MVRPC does a lot of things to make money available. They did support the request for money for Woodman Drive. The MVRPC is a great partner. She stated regarding Resolution No. 23-R-2823 that the city manager has done an amazing job and the resolution is for a cost of living raise, which has been well earned. He has been a very active city manager.

Mayor Williams stated he attended an event at the Air Force Museum where Col. Meeker hosted a get together for Governor DeWine and Lt. Governor Husted along with the director of Jobs Ohio and Director of Development, Lydia Mihalik. The governor was able to give a preview of the bi-annual state budget. He stated that everyone in

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attendance was excited about Riverside's success in obtaining that federal grant. It was good to see people in the region support Riverside and happy that the Woodman/Harshman corridor is getting attention. It is good to see this is coming to fruition. Deputy Mayor Lommatzsch added that in regard to yesterday's event, she is happy to know they have gone back to having an SRO (school resource officer). They had them in the past, but due to budgetary reasons they had to do away with it. She credits the mayor and the school superintendent for pushing with a limited budget to have an SRO, and the governor to make a big deal over having them is important. Mayor Williams suggested the public to look at the budget stating there will be a lot of back and forth between now and June. He listed a number of things the governor will be supporting. He thanked everyone who attended the St. Helen's Fish Fry on Saturday.

Mr. Maxfield stated that there was an incident earlier this week at one of the private school's; he appreciates the police being there and handling the situation. He added that February is National Career Tech Education Month (CTE), which is important to him and the Riverside community as they have a CTE center in Stebbins High School. Skilled trades and many careers are struggling right now for jobs. This technical education is one way to support and grow that. There are opportunities here for students. It is important to build upon that; the governor's budget will provide an additional \$300 million to expand CTE. Stebbins is going to look and see how they can build on the programs they have. Mayor Williams added that the family summit is Saturday, February 4, 10 am – 2 pm, at Mad River Middle School. He stated it is a large resource fair. There will be over 40 community partners including the city and the police and fire departments. It is a tremendous informational event. There will be a lot of people that will be there from the region to provide information and resources to our families.

EXECUTIVE SESSION: Deputy Mayor Lommatzsch moved, seconded by Mr. Denning, to enter executive session for the following: 103.01(1) Unless the City employee or official requests a public hearing; to consider the appointment, employment, dismissal, discipline, promotion, demotion or compensation of a city employee or official or the investigation of charges or complaints against a City employee or official; and 103.01(2) To consider the purchase of property for public purposes, or for the sale of public property, if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal or private interest is adverse to the general public interest. Roll call: Mr. Denning, yes; Mr. Joseph, yes; Mrs. Franklin, yes; Ms. Fry, yes; Ms. Lommatzsch, yes; Mr. Maxfield, yes; and Mayor Williams, yes. Council entered executive session at 7:06 pm.

RECONVENE: Council reconvened at 8:02 pm.

- I) **Resolution No. 23-R-2824 – A resolution by the Riverside City Council authorizing a two percent increase in the Clerk of Council's annual salary effective January 1, 2023.**

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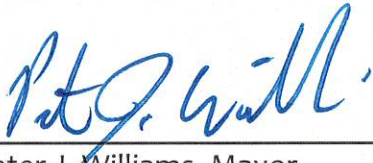
Mr. Denning moved, seconded by Mr. Joseph, to take Resolution No. 23-R-2824 off the table.

All were in favor. **Motion carried.**

Mr. Denning moved, seconded by Deputy Mayor Lommatzsch, to approve Resolution No. 23-R-2824.

All were in favor. **Motion carried.**

ADJOURNMENT: Mr. Joseph moved, seconded by Mr. Maxfield, to adjourn. All were in favor. **Motion carried.** The meeting adjourned at 8:04 pm.



Peter J. Williams, Mayor



Clerk of Council